

BEATRICE WONG

(b) (6)

LEGAL EXPERIENCE

ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF REGIONAL COUNSEL
ASSISTANT REGIONAL COUNSEL

SAN FRANCISCO, CA
10/06 to present

- Responsible for providing legal advice and representation on complex labor and employment issues for Environmental Protection Agency, Region IX ("EPA").
- Handle all aspects of labor, personnel and discrimination cases in litigation before arbitrators, U.S. Equal Employment Opportunity Commission ("EEOC"), U.S. Merit System Protection Agency ("MSPB") and Federal Labor Relations Authority ("FLRA").
- Assist U.S. Attorney's Offices in employment cases involving EPA before federal courts.
- Advise and represent EPA management in labor negotiations, including before mediators from the Federal Mediation and Conciliation Services and the Federal Service Impasse Panel.
- Regularly provide consultation to senior management officials on regional or Agency-wide policies and practices concerning employee performance, conduct and discipline, discrimination, hiring and affirmative employment.
- Routinely advise all levels of management, the Human Resources Office, and the Office of Civil Rights on individual performance or disciplinary matters, discrimination complaints and reasonable accommodation requests.
- Provide counseling to managers and employees about government ethics.

DEPARTMENT OF TREASURY, OFFICE OF CHIEF COUNSEL, GENERAL LEGAL SERVICES
ATTORNEY

SAN FRANCISCO, CA
5/00 to 10/06

- Responsible for providing legal advice and representation on labor and employment issues to the Internal Revenue Service ("IRS").
- Handled a caseload of 30 to 40 active labor, personnel and discrimination cases in litigation before arbitrators, EEOC, MSPB and FLRA.
 - Provided litigation support to U.S. Attorney's Offices in federal court cases involving the IRS.
 - Regularly provided consultation to all levels of management officials, Labor Relations Specialist and EEO Counselors on employee performance, disciplinary issues, discrimination complaints, reasonable accommodation issues and standards of conduct.
 - Provided training to managers on a range of employment issues, including, but not limited to, how to handle reasonable accommodation requests, how to document poor performance.

COMMUNITIES FOR A BETTER ENVIRONMENT
STAFF ATTORNEY

SAN FRANCISCO, CA
6/98 to 5/00

- In charge of all employment related matters for the organization including defending unemployment and workers compensation claims and overseeing outside counsel.
- Responsible for litigating environmental justice cases including case development, drafting pleadings and motions, discovery, negotiating settlements, and representation in administrative, federal and state court proceedings.

EMPLOYMENT LAW CENTER
LANGUAGE RIGHTS ATTORNEY

SAN FRANCISCO, CA
10/97 to 6/98

- Developed language rights and national origin discrimination cases.
- Counseled clients on employment rights and represented clients in administrative proceedings.
- Responsible for community outreach and training counselors for the Language Rights helpline.

EDUCATION

NORTHEASTERN UNIVERSITY SCHOOL OF LAW, Boston, MA
BOSTON COLLEGE, Chestnut Hill, MA

Juris Doctorate, 1997
B.A. Human Development, 1990

OTHER QUALIFICATIONS

BAR ADMISSION: Member in good standing of the California bar since 1997.

Attorney-Adviser, GS-905-15

Immediate Office

I. Introduction

Serves as a senior Attorney-Adviser in the Immediate Office of Office of Regional Counsel (ORC). The Attorney-Adviser is responsible for representing EPA in legal proceedings, and providing legal advice and assistance and policy recommendations to management and colleagues throughout the region in assigned areas of responsibility. The Attorney-Adviser helps to coordinate the entire workload of the office in assigned areas of responsibility, and is knowledgeable about the work of other attorneys who are assigned to work on matters within such areas of responsibility. The Attorney-Adviser is supervised by the Regional Counsel and Deputy Regional Counsel in ORC's Immediate Office due to the unique and confidential nature of the Attorney-Adviser's work.

II. Major Duties and Responsibilities.

At this level, the Attorney-Adviser is responsible for all legal aspects of an assigned area of responsibility within the Region, in this case, primarily issues under labor relations, personnel, Equal Employment Opportunity (EEO), and ethics law and litigation. These matters involve a wide variety of extremely complex and unusual issues requiring extensive knowledge and a very high degree of expertise as well as extensive legal research and analysis, together with consideration of highly complicated factual and policy issues. In addition to factual, policy and legal complexity, the matters often involve difficult, emotional situations where a high level of problem-solving is required. Often these are ongoing conflicts or issues which have existed for years without resolution. These matters must be handled in a manner which is practical and legally appropriate. These issues have a significant impact on the Region. Some have national policy implications as well.

A. Legal Research and Problem Resolution. As assigned, researches and resolves the legal questions which arise under all regulations, lawsuits, enforcement actions, executive orders and other administrative actions involving major Federal statutes affecting the Agency's programs, which may include such statutes as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Rehabilitation Act, the Americans with Disabilities Act, Genetic Information Non-discrimination Act, the Clean Water Act, the Clean Air Act, the Oil Pollution Act, the Toxic Substances Control Act, the Safe Drinking Water Act, the Resource Conservation and Recovery Act, the National Environmental Policy Act, the Comprehensive Environmental Response Compensation and Liability Act, the Emergency Planning and Community Right-to-know Act, and the Federal Insecticide, Fungicide and Rodenticide Act. In areas assigned by management, is the focal point within the Region for resolution of legal issues arising under such statutes (for matters of national importance which require consultation with the Offices of Enforcement and Compliance Assurance (OECA) and/or General Counsel (OGC), is the regional contact to those offices on the issue).

B. General Legal Advice and Policy Recommendations. Either acting directly or through management provides the Regional Administrative, Deputy Regional Administrator and the Regional Offices with general legal advice and (upon request) policy recommendations concerning those Regional programs, operations and activities in areas assigned by management so that their major decisions are made with applicable legal considerations in mind.

C. Legal Advice, Policy Recommendations, and Other Assistance on Enforcement Matters. As assigned, represents EPA, and provides legal advice and policy recommendations to the Regional program managers responsible for enforcement matters. Prepares and assists in the preparation of major legal correspondence, notices of violation, administrative orders, litigation referrals and other enforcement documents and reviews such documents for legal sufficiency and consistency with Agency legal interpretations and policy guidance. Is responsible for assuring that reporting systems are kept current with information on Regional enforcement matters. Assists in developing the factual bases for enforcement actions, including field sampling, inspections, and other types of compliance activities.

D. Legal Advice and Policy Recommendations to Grant Programs. Provides legal advice and policy recommendations to managers of Agency grant programs, as assigned by management. Advises on the eligibility for Agency funding of cost items under Agency grants, including cost overruns by contractors on Agency-funded projects. Works closely with the Agency's Office of Inspector General in resolving problems arising under audit activities and investigations. Drafts special grant conditions to cover unusual or unique situations. Assists state attorneys in interpreting statutes and regulations administered by the Agency, advising on the handling of claims matters and generally serving the needs of programs which have been delegated by the Agency to state agencies. Prepares final Agency decisions on bid protests arising under grantee procurement. Conducts the Region's participation in grant appeal proceedings.

E. Drafting of Determinations, Regulations, Notices, etc. As assigned, drafts and/or reviews final Agency determinations, proposed and final regulations, notices and such other documents to be published in the federal Register, including Agency actions on state air pollution plans, designations of sole source aquifers under the Safe Drinking water Act, approvals and authorizations of state programs under the Clean Water Act, the Clean Air Act, the Resource Conservation and Recovery Act, the Federal Insecticide, Fungicide and Rodenticide Act and other Federal environmental statutes.

F. Litigation Matters. Manages and coordinates defensive and enforcement litigation resulting from the Region's activities under the statutes referred to above. Conducts discovery and prepares motions, briefs and other litigation documents. Appears before courts and administrative tribunals to conduct trials, hearings and oral arguments as appropriate. Works closely with OECA and OGC, in the EPA Washington office, and the Department of Justice or U.S. Attorneys. Coordinates with state attorneys general. Represents the Region in administrative proceedings of EPA and other agencies.

G. Negotiation and Informal Dispute Regulation. Represents the Region in its dealings with outside parties, including negotiation of agreements, consent orders and judgments, and

memoranda of understanding. Represents the Region in negotiating the settlement of disputed matters so as to avoid protracted and expensive litigation and facilitate expeditious administration of Agency programs.

H. Representation of the Region. Represents the Region at conferences and meetings held with other Federal departments and agencies, Congressional committees and individual congressmen and senators, the General Accounting Office, governors of states and staff offices of governors, state and local officials, representatives of private industry and farm groups, etc., and in this capacity is required to give expert legal advice with respect to many novel legal situations and problems arising from the administration of Regional programs. Prepares and delivers advice and testimony to state legislative bodies in connection with their deliberations on assumption of responsibilities for programs to be delegated by the Agency.

I. Liaison with OECA or OGC. Serves as liaison between the Region and OECA and OGC to provide an effective channel of communication in order to assure that the Region obtains legal judgments and policy advice from such offices and also to assure that such offices are able to base such judgments and such advice upon accurate perceptions of the pertinent facts and Regional program objectives.

J. Coordinating and Directing Legal Work. May coordinate and direct the work of one or more lower-graded Attorney-Advisers. Retains familiarity with and reviews major or precedential efforts of such attorneys. The review functions include ensuring that (1) written material is clear, precise, and of high quality, (2) prompt and accurate advice is provided to the Regional managers of programs within assigned areas, and (3) oral presentations, whether before courts or other public bodies, are of high quality. Participates in the recruiting and hiring of attorneys, and provides other attorneys with opportunities for professional growth through work experience and training. Assists management in conducting performance evaluations of lower-graded attorneys.

K. Subject Matter Expertise. Serves as a national legal expert in legal issues relating to labor relations, personnel and Equal Employment Opportunity (EEO) law and litigation. Also serves as a regional expert in the area of Government ethics law. Maintains specialized expertise in such areas and serves as a consultant to other attorneys in the Agency. Seeks solutions to common legal problems, prepares guidance documents, model agreement language, litigation documents, etc. Also, independently counsels senior management officials in labor relations, personnel and/or EEO matters, independently litigates personnel and/or EEO matters on behalf of the Agency, and represents the Agency in labor relation matters involving union negotiations and bargaining as well as matters before the Federal Labor Relations Authority and Federal Services Impasses Panel. Assists in overseeing the Region's ethics program. In these capacities, serves as the liaison between ORC and OGC, and the regional legal offices. Represents the Region on national conference calls and meetings in these areas.

L. Other Duties. Performs other duties as assigned.

III. Supervisory Controls.

The Attorney-Adviser is supervised by the Regional Counsel and Deputy Regional Counsel in ORC's Immediate Office due to the unique and confidential nature of the Attorney-Adviser's work and has an attorney-client relationship with all Regional program managers or colleagues for whom work is performed. Areas of responsibility are assigned by management, and within those areas of responsibility the Attorney-Adviser has wide latitude in planning and coordinating the efforts of staff members, conducting research, preparing documents and exercising judgment and initiative in completing assignments and making legal judgments and policy recommendations. Legal advice, policy recommendations and advocacy during adversarial proceedings are normally considered expert, and consistent with policy. The Attorney-Adviser's recommendation is usually tantamount to final decisions as to the Agency's legal position, in terms of whether to proceed with a case, or how to interpret or apply a policy or regulation. Within assigned areas of responsibility, the Attorney-Adviser accepts work request directly from Regional program managers. The Attorney-Adviser's work involves recurring contacts with important and high level officials in the region, EPA, the Federal government, and private industry.

The Attorney-Adviser is expected to represent management from time to time in areas of assigned responsibility, including at national EPA meetings, although consultation and discussion with management may be necessary in connection with major legal judgments, policy recommendations, or management issues. Completed work is not usually reviewed for consistently with Agency policy, precedential effect and overall quality. The Attorney-Adviser may rotate areas of assigned responsibility with other attorneys from time to time. Management is to be consulted generally on matters arising in the course of coordinating and directing the work of lower graded attorneys who work in the assigned areas of responsibility, and retains all supervisory authority.

IV. Qualifications.

The Attorney-Adviser must have the equivalent of the J.D. or L.L.B. degree from an accredited law school and be an active member of a state bar.

The Attorney-Adviser must have substantial experience in providing legal advice and counsel at EPA, other federal, state, or local agencies, or in private practice.